

FILED

AUG 15 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF
AMERICA,

No. CR 06 00501 SBA

Plaintiff,

DETENTION ORDER

v.

CURTIS ANDREW DENTON,

Defendant.

The Court conducted hearings on the government's motion to detain Mr. Denton on August 1 and August 15, 2006.

After considering proffers by the government and the defense and two reports from Pretrial Services, the Court has concluded that clear and convincing evidence compels the conclusion that there are no terms and conditions under which Mr. Denton could be released before trial that would reasonably assure the safety of the community.

By cc: WDB's Staff, Copy to parties via ECF, Pretrial,
WDB, 2 certified Marshall

1 The central predicate for this conclusion is Mr. Denton's criminal record. He
2 has suffered ten felony convictions and one misdemeanor conviction, almost all of
3 which have been based on trafficking in or possessing drugs. In addition, he has
4 been returned to custody no fewer than seven separate times (twice as an "outpatient
5 returnee") for violating terms of parole or probation. He has at least a half-dozen
6 additional arrests.

7
8 Counsel for Mr. Denton argued during the hearings on this matter that Mr.
9 Denton has been conviction-free for a decade. That argument misses an important
10 mark, however, because in mid-2001 Mr. Denton was returned to custody for a parole
11 violation based on drug use, in mid-2002 he was arrested in Louisiana and charged
12 with possessing more than 500 grams of cocaine with intent to sell it, possessing
13 marijuana with intent to sell it, and conspiracy (it is not clear whether this arrest was
14 followed by a conviction), in early 2005 he was shot (in circumstances his counsel
15 did not explain), and he is charged in this case with possessing (for sale) at least 50
16 grams of a substance containing cocaine base and a loaded firearm on May 1, 2006.
17 These facts undercut substantially any suggestion that Mr. Denton has undergone
18 some significant change of heart and behavior in the last few years.

19
20 There are additional considerations that support the Court's decision to detain
21 Mr. Denton. He admitted to Pretrial Services that he was addicted to crack cocaine
22 between 1983 and 1993 and to alcohol from 1985 to the year 2000. He also admitted
23 that he has been using marijuana every other day for the past five to ten years. Mr.
24 Denton has never had sustained employment. And when he was interviewed by
25 Pretrial Services, he failed to disclose that he is married and has a son – information
26 provided by his girlfriend of the last seven years or so, with whom he has a daughter.

IT IS SO ORDERED.


WAYNE D. BRAZIL
United States Magistrate Judge

All parties,
WDB, Stats

denton detention order